

LEGISLATURE OF THE STATE OF IDAHO  
Sixty-first Legislature Second Regular Session - 2012

IN THE HOUSE OF REPRESENTATIVES  
HOUSE CONCURRENT RESOLUTION NO. 44

BY STATE AFFAIRS COMMITTEE

1 A CONCURRENT RESOLUTION  
2 STATING FINDINGS OF THE LEGISLATURE AND URGING THE DEPARTMENT OF HEALTH AND  
3 WELFARE TO PROMULGATE A CERTAIN RULE.

4 Be It Resolved by the Legislature of the State of Idaho:

5 WHEREAS, on February 6, 2012, the House Health and Welfare Committee  
6 voted to not approve a rulemaking docket of the Department of Health and Wel-  
7 fare governing Medicaid Basic Plan Benefits and relating to Medicaid program  
8 coverage of tobacco cessation products for children and pregnant women,  
9 adopted as a temporary rule under Docket No. 16-0309-1201; and

10 WHEREAS, the temporary rulemaking docket was not approved by the House  
11 Health and Welfare Committee because it does not include provisions relat-  
12 ing to the safety and effectiveness of tobacco cessation pharmacotherapy in  
13 pregnant women; and

14 WHEREAS, in June 2011, State Medicaid Directors received a report from  
15 the federal Department of Health and Human Services, Centers for Medicare  
16 and Medicaid Services, which references recommendations regarding tobacco  
17 cessation services for pregnant women that are contained in the "Treating  
18 Tobacco Use and Dependence: 2008 Update: A Clinical Practice Guideline,"  
19 published by the Public Health Service in May 2008 (PHS Guideline); and

20 WHEREAS, the PHS Guideline does not recommend tobacco cessation pharma-  
21 cotherapy for pregnant women because there is insufficient evidence of the  
22 specific safety and effectiveness of pharmacotherapy in pregnant women.

23 NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Ses-  
24 sion of the Sixty-first Idaho Legislature, the House of Representatives and  
25 the Senate concurring therein, that the Legislature urges the Department of  
26 Health and Welfare to promulgate a rule relating to Medicaid program cover-  
27 age of tobacco cessation services for children and pregnant women that in-  
28 corporates the specific recommendations for pregnant women contained in the  
29 2008 PHS Guideline, or any subsequent modification of the Guideline.